



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Deputy Administrator

1200 New Jersey Avenue SE
Washington, DC 20590

October 28, 2008

The Honorable Maurice D. Hinchey
Member, U.S. House of Representatives
291 Wall Street
Kingston, NY 12401

NVS-216 et
Ref. # 10243750

Dear Congressman Hinchey:

Thank you for your correspondence dated September 17 on behalf of your constituent, [REDACTED] [REDACTED] contacted your office concerning a problem she encountered with her model year (MY) 2008 Mini Cooper.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist.

We appreciate this report you provided on behalf of [REDACTED]. Reports from motorists are a very important source of information for us. [REDACTED] reported that she suffered a burn on her lower right leg when it came in contact with the protruding tailpipe of her vehicle.

In your letter you ask for information regarding our investigation into this issue, including the timeframe within which it will be completed. On April 28, NHTSA's Office of Defects Investigation (ODI) opened a preliminary evaluation (PE08-031) based on three consumer reports of leg burns resulting from contact with the exhaust pipe on MY 2007 Mini Cooper S vehicles. On August 29, ODI upgraded that investigation to an engineering analysis (EA08-020) and redefined the scope of the investigation to include MY 2008 Mini Cooper vehicles.



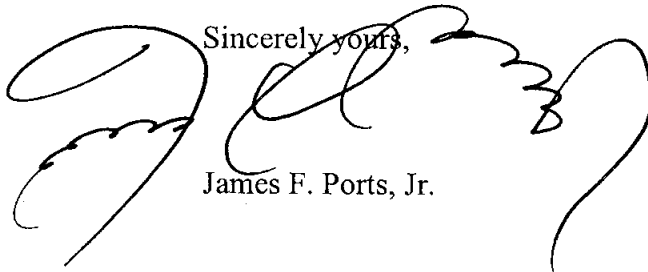
The Honorable Maurice D. Hinchey

An engineering analysis (EA) is a more detailed and complete technical analysis of the character and scope of an alleged defect. The EA builds on information collected during the preliminary evaluation (PE) and supplements it with appropriate inspections, tests, surveys, and additional information obtained from the manufacturer and suppliers. ODI attempts to resolve all EAs within 1 year from the date they are opened, but some complex investigations require more time. At the conclusion of the EA, the investigation may be closed if the manufacturer has notified the agency that it will conduct a safety recall or if the agency has not identified a safety-related defect. However, if NHTSA believes that the data developed indicate that a safety-related defect exists, and the manufacturer refuses to conduct a recall, the agency is required to follow certain statutory procedures, including a public meeting and formal defect decision, in order for the agency to force the manufacturer to conduct a recall. At this time, the investigation is continuing and no determinations have been reached. Please see enclosed copies of the investigation opening resumes.

It should be noted that the MY 2007 and MY 2008 Mini Cooper S models have dual exhaust pipe tips that exit at the centerline of the vehicle, whereas the non-S model, such as that owned by [REDACTED] has a single exhaust that exits closer the right corner. While the focus of our investigation is on the MY 2007 and MY 2008 Mini Cooper S model vehicles, we have requested information from the manufacturer that includes non-S models to ascertain the burn risks of both models. We will consider [REDACTED]'s report in making our determination.

I hope this information is helpful. If you have any questions, please have your staff contact me or Mr. Ronald L. Medford, Senior Associate Administrator for Vehicle Safety at (202) 366-9700.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'James F. Ports, Jr.', written over the typed name.

James F. Ports, Jr.

Enclosures

cc: Washington Office